

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 05-cr-30123-MJR
)	
CLAY PORTER,)	
)	
Defendant.)	

ORDER REGARDING MOTION TO REDUCE SENTENCE

REAGAN, District Judge:

On July 29, 2011, Defendant Porter sent the undersigned Judge a letter which has been construed as a *motion* seeking to reduce Defendant's sentence based on the United States Sentencing Commission's recent promulgation of amendments to the Sentencing Guidelines. The Commission took this action following the passage of the Fair Sentencing Act of 2010, Pub. L. No. 111-120, 124 Stat. 2372 (2010). That Act required the Guidelines to be brought into conformity with substantive provisions reducing the criminal penalties for certain crack cocaine offenses. The result was Amendment 750, under which Defendant now seeks a sentence reduction.

Assuming that Congress agrees with the Commission's recommendations, Amendment 750 will take effect (and can be applied retroactively) on November 1, 2011. **So, the undersigned Judge cannot take action on Defendant's motion at this time.** There is no guarantee that the undersigned Judge will agree that Amendment 750 applies to Defendant's sentence or that a reduction is appropriate in the instant case. The Court enters this Order simply to explain how Defendant's motion will be handled and why no ruling will be made immediately.

On July 20, 2011, Chief Judge David R. Herndon issued Administrative Order 137. Pursuant to that Order, (a) the Federal Public Defender for the Southern District of Illinois is appointed to represent Defendant Porter on this motion, (b) the motion has been docketed with the Clerk's Office as "Doc. 59", (c) the motion is ***stayed until November 1, 2011***, and (d) the Government is not expected to respond to the motion yet. A copy of Administrative Order 137 will be provided to Defendant with this Order.

Defendant is reminded that further contact with the undersigned Judge should only be made through counsel and in the form of a motion or other pleading filed with the Clerk's Office (rather than mailed directly to the Judge).

IT IS SO ORDERED.

DATED August 8, 2011.

s/ **Michael J. Reagan**
Michael J. Reagan
United States District Judge